

THREE-YEAR SUSPENSION. In the Matter of Richard D. Becker, No. 556, 2007. Effective Date: January 25, 2008.

On January 15, 2008, the Delaware Supreme Court ordered that Richard D. Becker, Esquire be suspended from the practice of law in Delaware for a period of three years, effective January 25, 2008, for violations of the Delaware Lawyers' Rules of Professional Conduct ("Rules"). The suspension was ordered by the Court based upon findings made by the Board on Professional Responsibility ("Board") that Becker had engaged in professional misconduct consisting of the following:

(1) By failing to keep more than \$35,000 in client trust funds separate from funds in his attorney business account, resulting in the seizure of those funds by his bank to pay a delinquent business loan, Becker violated **Rule 1.15(a)**;

(2) By stating to the ODC's investigator that it was not until in or about May 2006 that he became aware that client trust funds in excess of \$35,000 were missing from his general escrow account, Becker made a knowingly false statement of material fact in the course of the ODC investigation, in violation of **Rule 8.1(a)**;

(3) By disbursing funds from his escrow account in an amount greater than the amount being held for clients and third parties, thereby creating negative client balances, Becker violated **Rule 1.15(a)**;

(4) By failing to prepare monthly bank reconciliations, client balance listings, and client subledger reconciliations for his two law practice escrow accounts from 2003 until November 2006, Becker violated **Rule 1.15(d)**;

(5) By failing to file corporate income tax returns for tax years 2003, 2004 and 2005, Becker violated **Rule 8.4(d)**;

(6) By filing with the Delaware Supreme Court his 2004, 2005, and 2006 Certificates

of Compliance, which falsely represented that his law practice books and records were maintained in compliance with the requirements of Rule 1.15, Becker violated **Rules 8.4(c)** and **8.4(d)**;

(7) By filing with the Supreme Court Certificates of Compliance for 2005 and 2006, which falsely represented that he had filed all of his income tax returns in a timely manner, Becker violated **Rules 8.4(c)** and **8.4(d)**;

(8) By failing to file on behalf of a client in a bankruptcy matter a timely complaint objecting to the discharge of a debt, Becker violated **Rules 1.1, 1.2(a), and 1.3**;

(9) By failing to keep his client in a bankruptcy matter informed about the status of a requested filing of a complaint, and failing promptly to comply with reasonable requests for information made by the client, both prior to and after the filing deadline had passed, Becker violated **Rule 1.4(a)**;

(10) By failing to explain to his client in a bankruptcy matter his failure to file the complaint objecting to the discharge of debt, and the consequences thereof, Becker violated **Rule 1.4(b)**;

(11) By failing to undergo a required mental health evaluation and failing to cooperate with the Office of Disciplinary Counsel (“ODC”) in its efforts to monitor compliance with the terms of his probation and obtain information in response to a disciplinary complaint, Becker violated the terms of his 2001 public probation in violation of **Rule 7(c) of the Delaware Lawyers’ Rules of Disciplinary Procedure**.

(12) By failing to respond to the ODC by telephone or in writing as requested in

connection with his probation and with respect to a disciplinary complaint, Becker violated **Rule 8.1(b)**.

In its report to the Court, the Board recommended that Becker be suspended from the practice of law for three years. In support of this recommendation, the Board found that Becker had violated ethical duties to his clients and as a professional; that he had acted knowingly with regard to all violations, except that the wrongful deposit of client funds into his attorney business account “was not made intentionally or knowingly” at the time of its occurrence; and that Becker’s misconduct in the bankruptcy matter resulted in a substantial loss to the client. In reviewing the recommendation, the Court pointed to several aggravating factors the Board had considered, including Becker’s “record of prior disciplinary offenses, a ten-year pattern of repeated and similar charges resulting in various sanctions, and deceptive practices during the disciplinary process.” The Court also considered the Board’s finding of several mitigating factors, “including the absence of a dishonest or selfish motive, [Becker’s] remorse, and his recognition of the wrongful nature of his conduct.”

After “carefully considering [Becker’s] violations, the findings of the Board, and [its] prior precedents,” the Court concluded that a three-year suspension was the appropriate sanction to be imposed for Becker. In its suspension order, the Court directed ODC to petition the Court of Chancery for the appointment of a receiver. On January 15, 2008, the Court of Chancery appointed Norman M. Powell, Esquire and Edmon L. Morton, Esquire as the co-receivers for Becker’s law practice.